

## PATENT COOPERATION TREATY

PCT


61 DEC 2004

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT PCT

(PCT Article 36 and Rule 70)

Reg'd PCT/PTO

05 DEC 2004

Applicant's or agent's file reference BIF023193/FL		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 03/06911	International filing date (day/month/year) 30.06.2003	Priority date (day/month/year) 04.07.2002	
International Patent Classification (IPC) or both national classification and IPC B01D29/11			
Applicant MILLIPORE CORPORATION			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"><li>I <input checked="" type="checkbox"/> Basis of the opinion</li><li>II <input type="checkbox"/> Priority</li><li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li><li>IV <input type="checkbox"/> Lack of unity of invention</li><li>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement;</li><li>VI <input type="checkbox"/> Certain documents cited</li><li>VII <input type="checkbox"/> Certain defects in the international application</li><li>VIII <input type="checkbox"/> Certain observations on the international application</li></ul>			
Date of submission of the demand  07.01.2004		Date of completion of this report  29.11.2004	
Name and mailing address of the International preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer  Hilt, D  Telephone No. +31 70 340-4259	



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/06911**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-14 as originally filed

**Claims, Numbers**

1-36 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-36
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-36
Industrial applicability (IA)	Yes: Claims	1-36
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

D1: EP-A-0 062 867 (PALL CORP) 20 October 1982 (1982-10-20)

D2: DE 199 19 289 A (MAHLE FILTERSYSTEME GMBH) 2 November 2000  
(2000-11-02)

**1- ARTICLE 33 (3) PCT - INVENTIVE STEP**

The present application does not meet the requirements of Article 33(1) PCT, because the subject-matter of claims 1-36 does not involve an inventive step in the sense of Article 33(3) PCT.

**1.1- Independent apparatus claim 1**

Document D1, which is considered to represent the most relevant state of the art, discloses (cf. page 8 line 16 - page 10 line 16; page 19 lines 5-9; fig. 3) a filter cartridge from which the subject-matter of claim 1 differs in that the first disc (or outer disc) is made from thermoplastic.

The problem to be solved by the present invention may therefore be regarded as to simplify the manufacturing process of the filter cartridge (fewer process steps: for instance by avoiding any pre-etched step - D1, page 10 line 6).

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The feature " first and second disc of the end cap made from thermoplastic" is described in document D2 as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the filter cartridge described in document D1 in order to solve the problem posed.

Furthermore document D1 states "any plastic or resinous material or any metallic

material resistant to corrosive attack and having a softening point above the temperature of use of the polymer filter can be employed for the end caps".

1.2- Dependent claims 2-36 do not contain any features which, in combination with the features of any claims to which they refer, meet the requirements of the PCT in respect of inventive step.